

13 OCT 1999



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In re Application of
CZERNILOFSKY, Armin P. *et al*
Application No.: 09/202,984
PCT No.: PCT/EP97/03329
Int. Filing Date: 25 June 1997
Priority Date: 28 June 1996
Attorney's Docket No.: 0652.18300000
For: COMPARATIVE SCREENING OF
PHARMACOLOGICALLY-ACTIVE
SUBSTANCES

DECISION ON PETITION
UNDER 37 CFR 1.181

The decision is in response to applicants' "Response to Notification of Missing Requirements" filed 12 August 1999. This is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 25 June 1997, applicants filed international application PCT/EP97/03329 claiming priority to a German patent application filed 28 June 1996. A copy of the international application was communicated from the International Bureau to the United States Patent and Trademark Office (PTO) on 08 January 1998.

On 27 January 1998, a Demand was filed with the International Preliminary Examination Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date. Accordingly, the deadline for submission of a copy of the international application and payment of the basic national fee was extended to expire thirty months from the priority date, i.e., 28 December 1998.

On 23 December 1998, applicants filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, an English translation; a check to cover the basic national fee; and authorization to charge Counsel's Deposit Account No. 19-0036 for any additional fees as required.

On 19 March 1999, applicants filed an executed declaration for the above captioned application. One of the inventors, Maria J. Wiche-Castanon, listed both Austria and Spain under the citizenship box.

On 13 July 1999, the United States Designated/Elected Office mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 and a NOTIFICATION OF DEFECTIVE OATH OR DECLARATION to applicants indicating that applicants must clarify the citizenship of Maria J. Wiche-Castanon on the declaration submitted. A one-month time period for response was set.

On 12 August 1999, applicants filed the instant Response to Notification of Missing Requirements.

DISCUSSION

Here, applicants' attorney explains that "Maria Josefa Wiche-Castanon is a dual national. She is simultaneously a citizen of Spain and Austria." Pet. ¶ 2.

Accordingly, applicants have provided the required clarification on the citizenship of inventor, Maria J. Wiche-Castanon. Consequently, the declaration is now in compliance with 37 CFR 1.497(a) and (b).

CONCLUSION

For the reasons stated above, the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 is VACATED.

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 25 June 1997, under 35 U.S.C. 363, and a 35 U.S.C. 102(e) and 371(c) date of 19 March 1999.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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